

# U.S. Department of Energy Standby Support Workshop Questions

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## Covered and Excluded Delays under NRC ITAACs

- How can the Department establish whether the NRC failed to comply with ITAAC schedule when they have no established schedule?
- Are there unambiguous triggers the Department can include in its regulations to determine that a delay has occurred?
- Should such a situation be addressed through section 638 regulations or through standby support contracts?
- How should the Department treat delays by other government entities?
- When should a regulatory delay be considered a covered delay?

## Covered and Excluded Delays under NRC ITAACs (cont.)

- How can the Department best interpret “failure” by the sponsor that caused a delay?
  - What areas of law and regulations are likely to be involved?
  - What events should be considered within the control of the sponsor?
  - What events should be considered beyond its control?
  - What should be considered a normal business risk?
  - How should these exclusions be implemented with respect to the expressly covered delay caused by the “conduct of preoperational hearings?”
- How should DOE define "due diligence" under section 638(e) which requires " the sponsor to use due diligence to shorten, and to end the delay covered by the contract?"
- How should DOE interpret the phrase "construction is commenced," as used in section 638(d)(3), which is a trigger for determining the percentages of covered costs of delay that the Secretary will pay under standby support contracts for the first two reactors and the subsequent four reactors, respectively?

## Contract & Authority

- Should sponsors be required to enter into a binding agreement with the Department before entering into a standby support contract?
- Should an application process be implemented?
- If so, should a fee accompany the application? How much should the fee be, and should it be refundable?
- Should an application process be open to all sponsors, or should there be criterion to exclude certain entities or to select among applicants?
- What level of detail should the Department institute in an application process?

## Contract & Authority (continued)

- Should the applicant be required to submit an analysis showing the standby support contract's cost structure for the proposed reactor facility?
- Should the Department reserve the right to cancel a contract if a sponsor does not proceed diligently in the construction of a reactor facility?

## Appropriations and Funding Accounts

- If sponsor contributions to the standby support accounts automatically transfer to the general treasury at the end of the project, how would this affect participation in the program?
- What is the appropriate mix between government appropriations and sponsor payments?
- What methodology should the Department consider when calculating the funding that must be in the accounts?

## Appropriations and Funding Accounts (Continued)

- What factors should be considered in determining both the overall amount of funding and the portion, if any, required from the sponsor?
- What, if any, are the relationships between the standby support program, the 80 percent loan guarantees under Title 17, and the production tax credits under section 1306?
- Should there be any adjustment in the amount paid to the Department by the sponsor who participates in more than one program?

## Covered Costs and Requirements

- How should “debt support” and “incremental difference between fair market price of purchase power...” be documented, especially the extent to which they are used in calculating the funding needed prior to entering into a contract?
- Should standby support contracts be restricted from covering other delay costs?
- Are two contracts needed for a sponsor that builds a two reactor facility in order to receive up to \$500 million in coverage?
- Should a sponsor be precluded from entering into a contract that includes more than one reactor?



## Monitoring and Reporting Requirements

- What reporting requirements should the Department impose?
- In what monitoring activities should the Department engage to ensure that the project is progressing as scheduled?

## Disagreements and Dispute Resolution

- How should the Department resolve disputes under the standby support contracts?
- What dispute resolution provisions should be included in the applicable regulations or contracts?